

**Draft Summary of the Plenary Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
June 25, 2002**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on June 25, 2002 in Oroville.

A summary of the discussions, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present an informational summary for interested parties who could not attend the meeting. The following documents are provided:

Attachment 1 Meeting Agenda  
Attachment 2 Meeting Attendees  
Attachment 3 Flip Chart Notes  
Attachment 4 Process Update  
Attachment 5 Guidance for Study of Cumulative Impacts and Impacts on Species Listed  
Under the Federal Endangered Species Act  
Attachment 6 FERC Order on Revised Recreation Plan  
Attachment 7 Phase II Studies / Planning PM&E Discussions

### **Introduction**

Attendees were welcomed to the Plenary Group meeting and objectives were discussed. The meeting agenda and list of meeting attendees with their affiliations are appended to this summary as Attachments 1 and 2, respectively. Meeting flip charts are included as Attachment 3.

### **Process Updates**

#### *Where We Are in the Process*

Len Marino of DWR gave a presentation discussing where we are in the FERC Relicensing Process. His presentation is included as Attachment 4. A participant asked if DWR is anticipating a draft application by January 2005. Len explained that the draft would come out in April 2004 with the final out in January 2005. A participant asked for the status of the GANTT chart that will show scheduled draft and final report release dates for all of the study plans and Len explained that it should be ready by early August. Craig Jones also requested an update on the data management protocol. Len responded that DWR would be prepared to update the Plenary Group on data management activities at their August meeting.

A participant asked what happens to the application once it is submitted to FERC and before the new license is issued. Jim Fargo of FERC explained that FERC will use the information included in the submitted Preliminary Environmental Assessment to prepare their Environmental Impact Statement. He added that formal hearings have not been used in the past few years but there will be opportunity for public comment during the process.

Michael Pierce with Butte County asked if the decision had been made yet regarding the length of license to seek. Rick Ramirez of DWR explained that they would like to have the stability of a 50-year license however he acknowledged that FERC will likely have some input on what they feel the term of the license should be.

### *Work Group Abstracts*

The Facilitator reminded the Plenary Group that abstracts covering the Work Group meetings that have been held since the last Plenary Group meeting are provided as an attachment to the meeting agenda.

### *Cumulative Impacts Approach / ESA Task Force Update*

Steve Ford, Environmental Resource Area Manager (RAM) reported on the Cumulative Impacts Approach/ESA Task Force efforts to develop a guidance document to assist study plan authors in the preparation of appropriate study plans to address cumulative impacts and ESA issues. He explained that although the US Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) had participated in the Task Force meetings until the last one, they decided that they were not comfortable with some of the language included in the draft and would not continue their involvement in the Task Force efforts to finish the document. Steve reported that both FWS and NMFS committed to submitting separate letters containing their ESA and cumulative guidance within 30 days.

While the other Task Force participants were in general agreement with the language contained in the draft, Steve explained that they agreed there was little to gain in continued editing but instead would release the document in its current form to assist other work groups and study plan authors in preparing draft cumulative impacts and ESA effect study plan tasks.

Steve Edmondson with NMFS stated that they do not support the draft document and their legal counsel was uncomfortable with language in the draft document that they perceived to affect their statutory authority under the Endangered Species Act. He confirmed that NMFS intends to continue their efforts at the environmental technical task force and work group level to resolve technical issues, particularly regarding temporal and geographic scope. Gary Taylor with FWS echoed NMFS concerns commitment to continued involvement at the technical and work group level.

Patrick Porgans representing JEM Farms on the Cumulative Impacts Approach/ESA Task Force commended the Task Force participants on their efforts to address complicated issues and suggested that while well intended, perhaps the document tried to cover too much and as a result became unwieldy. He added that some specific topics continue to concern him and he will submit a list of topics that he would like to see discussed further by the Plenary Group. He mentioned a Task Force discussion concerning the potential for additional water yield and although the Task Force participants felt no additional water would be generated, if any 'new' water were realized, discussions would be necessary to determine how that water would be distributed.

Steve Ford of DWR explained that the draft document would be sent to all of the work groups and they may choose to adjust the draft guidance to suit their individual needs as long as the changes are not inconsistent with the draft document. If inconsistencies arise within the individual work groups that cannot be resolved there, the issue will be brought to the Plenary Group for resolution. The Guidance for Study of Cumulative Impacts and Impacts on Species Listed Under the Federal Endangered Species Act document was distributed to the Plenary Group participants and is provided as Attachment 5 to this summary.

### *Review of Modeling Protocols*

Curtis Creel of DWR reminded the participants that a copy of the draft Modeling Protocols was distributed at the last Plenary Group meeting with a request for comments. To date, no comments on the protocol have been received. Curtis explained that the Modeling Protocol Task Force is currently working within the protocol to develop summaries of each model and will distribute these when all are completed. A participant asked how the models would be related to each other in the study process. Curtis explained that some cooperation between work groups will be required to tie everything together and that effort has been initiated between the Environmental and the Engineering and Operations work groups through discussions of their individual needs. The Facilitator added that there is a template being followed for each model summary that includes information on assumptions, inputs, outputs and limitations of each model.

### **Resolution of Issues for Conditionally Approved Study Plans (inform)**

The Plenary Group discussed the status of the Conditionally Approved Study Plans with the following outcomes:

#### *SP-T10*

A Clarification/off-line discussion occurred and the SP-T10 was approved.

#### *SP-W2*

A discussion is still needed regarding some of the changes requested by NMFS. Conceptually everyone is in agreement and some activities have already begun so no delays are expected. SP-W2 was conditionally approved pending Environmental Work Group approval

#### *SP-F3.2*

Approved.

#### *SP-F2*

Steve Ford reported that the Task Force further revised this study plan and it will be considered for approval at tomorrow's Environmental Work Group meeting. SP-F2 is conditionally approved pending work group approval

#### *SP-W1*

Steve Ford explained that although the Plenary Group approved SP-W1 previously, some revisions were made due to changes in SP-F10. He described the changes necessary to address additional information needed to assess migratory fish habitat. A revised version of SP-W1 will be available when the study plan package is finalized.

### **Study Plan "Heartburn" Review**

The Plenary Group participants reviewed three study plans for heartburn issues as follows:

#### *SP-F3.1*

No Heartburn issues were raised and the Plenary Group approved SP-F3.1.

#### *SP-F8*

A participant suggested that language related to the development of protection, mitigation, and enhancement measures (PM&Es) is inconsistent with the other study plans that will not consider developing PM&Es at this stage of the process. SP-F8 was conditionally approved pending resolution of this issue at the Environmental Work Group level.

#### *SP-F1*

No Heartburn issues were raised and the Plenary Group approved SP-F1.

#### **Interim Settlement Agreement**

Ward Tabor of DWR reported that the Interim Settlement Agreement and the Implementing Agreement have been essentially completed and ~~will be working~~ processed through the DWR contracting offices soon.

Scott Lawrence with Feather River Recreation and Parks District added that the hard work has paid off with an agreement everyone can live with. They are hoping the parties involved will be prepared to sign both documents next month along with other participants interested in showing their support for Riverbend Park. Craig Jones representing the State Water Contractors indicated that their board has already given their approval to sign the documents. Rick Ramirez with DWR suggested the signature package should be ready by the next Plenary Group meeting.

One participant asked if there is a timeline for breaking ground. Scott explained that the environmental review process and design phase still need to occur, but they hope to begin construction in the fall of 2003 with completion scheduled for the fall of 2004. Michael Pierce with Butte County indicated the County will have a resolution supporting the agreements and DWR for funding the Riverbend Park improvements and will notify the local media of their support.

#### **Action Items – May 21, 2002 Meeting Action Items (inform)**

A summary of the May 21, 2002 Plenary Group meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

**Action Item #P96:** Investigate development of compliance history with existing FERC license (fate of Recreation issue number RE98 raised by SWRCB)  
**Status:** Rick Ramirez suggested the initial concern raised by Sharon Stohrer of State Water Resources Control Board was focused on recreation compliance however Sharon was not in attendance to confirm her intent when raising the issue. Rick reported that DWR is in compliance with this issue and distributed copies of a 1994 FERC order that includes a summary of the recreation compliance history for the project. The FERC order is included as Attachment 6 to this summary.

One participant inquired about the recent Department of Parks and Recreation multi-use trail decision that was made without consultation with the local recreation advisory committee described in the FERC order as an example of possible non-compliant activity. Rick responded that he was providing the Order to address the request for past history of compliance and does not address the most recent activity by DPR.

**Action Item #P97:** Consider request to notify stakeholders when meeting summaries are available on the website  
**Status:** Process protocols provide for hard copies of meeting summaries to be mailed to participants upon request.

### **Next Steps**

Rick Ramirez of DWR gave a presentation outlining the next steps that the collaborative participants will take during the development of Phase II Studies and the planning for PM&Es. The presentation is provided as Attachment 7 to this summary.

### **Next Meeting**

The Plenary Group agreed to next meet on:

**Date:** July 23, 2002

**Time:** 2:00pm – 6:00pm

**Location:** Kelly Ridge Golf Course Meeting Room, 5131 Royal Oaks Drive

### **Action Items**

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action and due date.

**Action Item #P98:** GANTT chart update showing interim and final reports by Work Group by month.

**Responsible:** DWR/consulting team

**Due Date:** July 23, 2002

**Action Item #P99:** Data management protocol update

**Responsible:** DWR/consulting team

**Due Date:** August Plenary Group meeting